

Remarks

By the foregoing amendment claims 1, 8-12, and 14-18 are currently amended. Applicants respectfully submit that no new matter was added by the amendment, as all of the newly claimed material was either previously illustrated or described in the drawings, written specification and/or claims of the application. Entry of the amendment and favorable consideration thereof is earnestly requested.

Current Amendments to Claims 8-12 and 14-18 to Correct Obvious Errors

The Examiner previously allowed claims 7–18. (June 24, 2008 OA at Summary.) Claim 7 is independent and claims 8–12 depend thereon. Claim 13 is independent and claims 14-18 depend thereon. The Applicants respectfully submit that allowed dependent claims 8-12 and 14-18 each include an obvious numbering error that does not affect the Examiner's allowance. Specifically, dependent claims 8-12 and 14-18 improperly depend on claim 1, and should actually depend on claims 7 and 13, respectively.

The Applicants respectfully submit that they prosecuted and the Examiner analyzed and allowed claims 8-12 and 14-18 under the assumption that they were dependent on claims 7 and 13, respectively. This is evident from the fact that claims 2-6, 8-12, and 14-18 are, respectively, identical. This is further evident from the fact that the Examiner has currently rejected dependent claims 2-6, yet has allowed dependent claims 8-12 and 14-18.

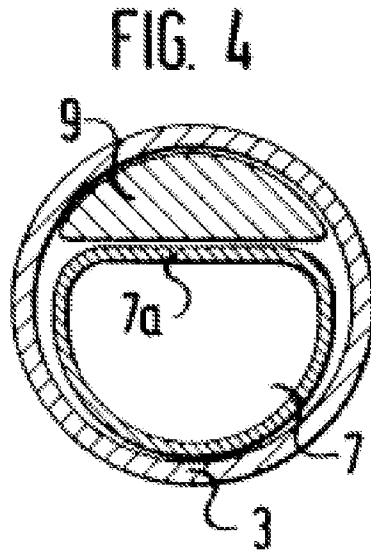
The Applicants have currently amended dependent claims 8-12 and 14-18 so that they properly depend on independent base claims 7 and 13, respectively. The Applicants respectfully submit that these amendments do not affect the Examiner's previous allowance, and earnestly solicit entry of the amendments and continued allowance of these claims.

Claim Rejections – 35 USC §102

Claims 1 – 6

The Examiner has rejected claims 1–6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,994,024 to Falk (“Falk”). The examiner stated that Falk discloses a push pin 9 (Fig. 4), a rigid casing having a flat recess 7a (Fig. 4), hollow shaft 3, gripping members 10 & 1a, jaw members 11 and 4, which jaw 4 is directly mounted to the hollow shaft 3. (June 24, 2008 OA at 2.)

The Applicants respectfully submit that the Falk does not anticipate the present invention as previously claimed in claims 1–6 because Falk is missing a rigid casing having a recess wherein the push pin is inserted therein as required by claims 1–6. In reference to Fig. 4, the cross section of the Falk tool is shown.

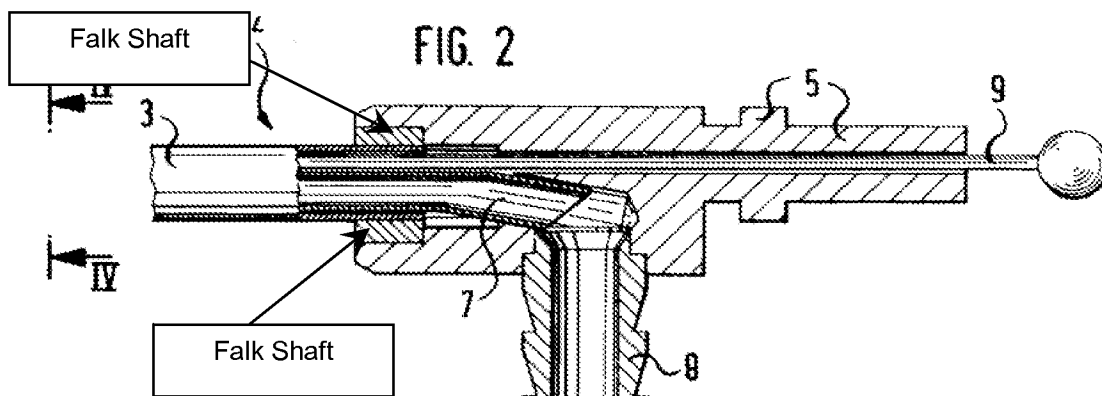


(Falk at Fig. 4.)

The Applicants respectfully submit that the flat upper wall of tube 7a does not have a recess as required by claims 1-6. Rather, the Applicants submit that push pin 9 is adjacent to the substantially flat upper tube wall 7a (rigid casing as identified by the Examiner). (June 24, 2006 OA at 2.) The flat upper wall of tube 7a does not comprise

a recess because it does not include an indentation, notch, extent, or similar feature in its flat surface.

In previous Actions the Examiner had stated that the rigid casing limitation was defined by the hollow tube 3 and the flat upper wall of tube 7a (see Fig. 4 above), and that the hollow shaft limitation was defined by the Falk collar (labeled below) sandwiched between tube 3 and element 5 as represented in Fig. 2 shown below. (June 26, 2007 OA at 2.)



(Falk Fig. 2.)

In response to this earlier rejection (and interpretation of Falk) the Applicants amended claim 1 to include the limitation that at least one of the jaw members is directly mounted to the distal end of the hollow shaft. As is evident from Figure 2 above, the hollow shaft sandwiched between tube 3 and element 5 cannot meet this limitation.

In response the Examiner presented a materially different identification of the hollow shaft. (June 24, 2008 OA at 2.) Specifically, the Examiner identified tube 3 as the hollow shaft, even though it had previously been identified as part of the casing. As a result, the Examiner materially changed his previous identification of the rigid casing: from the previously identified tube 7a in combination with tube 3, to simply tube 7a. (Id.)

The Applicants respectfully submit that this new interpretation of Falk does not anticipate claims 1-6 because the upper flat wall of tube 7a is missing a recess as

required by claims 1-6. In fact, the Falk reference expressly discloses that the upper wall of tube 7a is "flat." (Falk at col. 2; Ins. 22-23)

October 17, 2008 Interview

On October 17, 2008 the Applicants' attorney conducted a telephone interview with the Examiner to discuss the new basis for rejection. The Applicants thank the Examiner for his time and willingness to thoroughly discuss this matter.

During the interview, both the Applicants and the Examiner expressed their position regarding the rejection and their interpretation of the Falk reference. The Examiner explained that he interpreted the flat upper wall of tube 7a as having a recess based on the fact that tube 7a had a circular cross section with the exception of the flat upper wall. Therefore, the Examiner reasoned that this flat upper wall formed a recess in a tube having an otherwise circular cross section. In response the Applicants expressed their objection to the examiners interpretation. Specifically, the Applicants explained that the upper wall of tube 7a did not comprise a recess because it was a flat surface. Furthermore, the Applicants explained that, assuming arguendo the flat surface did have a recess, the push pin was not inserted therein in form locking connection.

Although the Applicants continue to respectfully disagree with the Examiner's position the Applicants proposed alternative claim language for Examiner's consideration during the interview. Specifically the Applicants proposed the following amendment:

Claim 1:

. . .

wherein at least a portion of the push pin is ~~inserted~~inside, at least partly in form-locking connection, ~~into a recess of~~ a rigid casing, which in turn is ~~inside~~inside, at least partly in form-locking connection, ~~into~~ the hollow shaft and the push pin is mounted secure against rotation at least in some sections in the casing.

During the telephone interview, the Examiner indicated that this alternative claim language was most likely patentable over the Falk reference because the Falk push pin is outside tube 7a, wherein claim 1, as amended requires that the push pin is inside casing. The Applicants respectfully submit that Falk does not anticipate claim 1 as amended because Falk is missing a push pin inside a rigid casing. In reference to Fig. 4, the Falk push pin 9 is clearly outside the rigid casing as defined by tube 7a. Again, the Applicants thank the Examiner for thoroughly discussing the present rejection, and considering the Applicants' alternate claim language.

For the foregoing reasons, the Applicants respectfully submit that all pending claims are patentable over the references of record, and earnestly solicit allowance of the same.

Respectfully submitted,

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